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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,158	12/17/2001	Michael Wayne Brown	AUS920010833US1	4017
7590 04/19/2005 Biggers & Ohanian PLLC 5 Scarlet Ridge Austin, TX 78737			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2642	PAPER NUMBER
DATE MAILED: 04/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,158

Applicant(s)

BROWN ET AL.

Examiner

Quynh H Nguyen

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/

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 01/10/05, PROSECUTION IS HEREBY REOPENED. New ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-11, 14, 17-22, 32-36, and 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated over Szlam (U.S. Patent 5,511,112).

Regarding claims 1 and 5, Szlam teaches the steps of: a telephone network (Fig. 1); detecting a call request for a call (Fig. 6, line 20 and col. 7, lines 23-24 – detecting an incoming call); and requesting a context for said call (col. 8, lines 45-52 – request the connected party to signal his or her presence), wherein the context indicates whether an on behalf of action is invoked for said call (col. 12, line 67 through col. 13, line 4 – the secretary placed a call on behalf of Mr. X, and col. 17, lines 56-59 - the receptionist answered the call on behalf of the desired party).

Regarding claims 2 and 6, Szlam teaches the on behalf of action indicates that a caller identified for placing said call is calling on behalf of another party (col. 13, lines 2-4).

Regarding claims 3 and 7, Szlam teaches the on behalf of action indicates that a callee identified as a recipient of the call is answering the call on behalf of another party (col. 17, lines 56-59 and col. 18, lines 61-65 – “I’m calling for (desired party)”).

Regarding claims 4, 8, and 10, Szlam teaches transferring said context for said call to at least one party to said call (col. 2, lines 45-46 – connected available agent to the party).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Szlam teaches a recording medium (Fig. 1).

Regarding claims 11, 17, 21, 35, and 48, Szlam teaches receiving a context request for an incoming call (col. 3, line 15); analyzing call context information

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associated with the call (col. 3, lines 16-17 – from the receiving information regarding incoming telephone call); and inferring that an on behalf of action is invoked for the call from call context information (col. 12, line 67 through col. 13, line 4 – the secretary placed a call on behalf of Mr. X, and col. 17, lines 56-59 - the receptionist answered the call on behalf of the desired party).

Claim 14 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Szlam teaches detecting a call between at least two parties (Mr. X's secretary and the agent); informing at least one party ("the agent") that the on behalf of action is invoked such that an on behalf of party is also indicated for the call (col. 13, lines 3-4 – ask the agent to please hold for Mr. X).

Regarding claims 18 and 32, Szlam teaches the context information comprises identifiers for said at least one from among, profiles associated with subscribers of line numbers associated with the call (col. 14, lines 48-50 – record of parameters).

Claim 19 and 33 are rejected for the same reasons as discussed above with respect to claims 1, 2, and 3.

Regarding claims 20, 22, 34, 36, and 47, Szlam teaches detecting an automatic authorization for the on behalf of action by an on behalf party to the call (col. 13, lines 2-4 - the secretary place a call on behalf of Mr. X).

Claim 45 is rejected for the same reasons as discussed above with respect to claims 9 and 11.

Regarding claim 46, Szlam teaches detecting a request for the on behalf action by at least one party to the call (col. 17, lines 56-59 – a receptionist or secretary answer the call for the called or desired party).

***Claim Rejections - 35 USC § 103***

5. Claims 12-13, 15-16, 23-24, 31, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam (U.S. Patent 5,511,112).

Claim 12 is rejected for the same reasons as discussed above with respect to claim 11. Furthermore, Szlam does not explicitly suggest a context inference server, but rather trunk interface units for monitoring the status of the telephone trunk lines and performing automated interaction with the connected party; and a controller for controlling and coordinating the activities of the other components (col. 3, lines 7-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Szlam's controller to include an inference server for the purpose of storing and retrieving the context information to infer that a call includes an on behalf of action.

Claim 13 is rejected for the same reasons as discussed above with respect to claims 9 and 12.

Claim 15 and 16 are rejected for the same reasons as discussed above with respect to claims 12, 13, and 14.

Claims 23, 24, 37, and 38 are rejected for the same reasons as discussed above with respect to claim 20. However, Szlam does not suggest paging the on behalf of

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party within a paging radius of a private network system, or querying at least on line number for the on behalf of party. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above-mentioned features in Szlam's system, in order to have a system that one can access the on behalf party via different types of communications.

Claim 31 is rejected for the same reasons as discussed above with respect to claims 12 and 17.

6. Claims 25-30, 39-44, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam (U.S. Patent 5,511,112) in view of Borland (U.S. Patent 6,178,230).

Regarding claims 25-30, 39-44, and 49, Szlam does not teach accessing on behalf of filtering preferences; and filtering the on behalf of action in the call context according to the filtering preferences.

Borland teaches accessing on behalf filtering on behalf of filtering preferences; an filtering said on behalf of action in said call context according to said filtering preferences (col. 2, lines 16-24 and col. 7, lines 26-67 - allows certain parties referred to as exception parties to override the no-call feature).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of accessing on behalf of filtering preferences, as taught by Borland, in Szlam's system in order to determine the identify or filter out the person who placing or answer the call on behalf of the other.

7. Claims 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam (U.S. Patent 5,511,112) in view of Farris et al. (U.S. Patent 6,122,357).

Claims 50 and 54 are rejected for the same reasons as discussed above with respect to claims 1 and 20. Szlam does not teach graphically displaying at least one on behalf of party authorized for a party utilizing a telephony device and updating a context for a call based on selection from the on behalf of party.

Farris et al. teach the terminal 5B displays callers' names and telephone numbers (col. 9, lines 2-10). Farris et al. do not explicitly suggest updating a context for a call based on selection from the on behalf of party.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of graphically displaying at least one on behalf of party authorized for a party utilizing a telephony device and updating a context for a call based on selection from the on behalf of party, in Szlam's system, in order to have the latest on behalf of action of the call on the context.

Regarding claim 51, Farris et al. teach authenticating an identity of the party (col. 12, lines 45-64); accessing a profile according to said authenticated identity, wherein the profile comprises at least one on behalf of party authorized for the party utilizing the telephony device (col. 12, line 65 through col. 13, line 12).

Regarding claims 52 and 53, Farris teach selecting from among said at least one on behalf of party comprises a single (a caller or callee) or plurality of on behalf of party/parties (a group of callers or callees).



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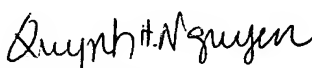
***Response to Arguments***

8. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Quynh H. Nguyen**  
**Patent Examiner**  
**Art Unit 2642**